

2. The Petitioners seek to add a point of diversion approximately 8,500 feet upstream from the authorized point which will be just upstream of Weir No. 4 (Wadsworth Weir) on Wadsworth Canal. They also seek to enlarge the place of use to a gross area of 432 acres with the net area remaining at 80 acres.

3. A question of access from the petitioned point of diversion to petitioned place of use was brought out at the hearing. At the time of the hearing the petitioner and one of the protestants were in litigation concerning right of access. Right of access is not within the jurisdiction of the Board.

4. Certain lawful users could be injured if the licensees are permitted to divert when water is not spilling at Wadsworth Weir.

It is concluded from the foregoing findings that the petition for change should be granted with certain conditions.

NOW, THEREFORE IT IS ORDERED that:

1. The place of use and point of diversion under licensed Application 11276 be changed to the following:

a. Place of Use:

432 acres consisting of 80 acres within E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 20, 204 acres within SW $\frac{1}{4}$ of Section 15 and SE $\frac{1}{4}$ of Section 16 and 148 acres within SW $\frac{1}{4}$ of Section 21 and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, T15N, R2E all within MDB&M as shown on map filed with the Board. No more than 80 acres within the place of use may be irrigated in any one year.

b. Point of Diversion:

(1) Added point - North 1600 feet and east 200 feet from center of Section 15, T15N, R2E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 15.

(2) Original point - South 214 feet and east 1333 feet from center of Section 21, T15N, R2E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21.

2. The licensees shall be allowed to divert at the added point of diversion only when water is spilling at Wadsworth Weir.

3. The granting of the petition shall in no way be construed as conferring upon the licensees right of **access** to the added point of diversion or right of access for the conveyance system from that point. to the place of use.

Dated: April 19, 1979

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member